REMARKS

Claims 1 - 15 remain active in this application. No new matter has been introduced into the application.

The approval of the proposed drawing revisions file June 5, 2003, is noted with appreciation. Further, the withdrawal of objections in regard to reference numerals is also noted with appreciation. Formal drawings will be filed in due course.

The Examiner's comments in regard to formal drawings filed April 15, 2003, are not understood. The file of the undersigned in regard to this application does not indicate any paper filed in this application on or about that date. Therefore, any paper purporting to present formal drawings for this application is likely to have been captioned with an erroneous serial number. Nevertheless, the Examiner's observation is appreciated.

Claims 1 - 2, 6 - 10 and 13 - 15 have been rejected under 35 U.S.C. §103 as being unpatentable over Bolavage et al. in view of Heiman et al.; claims 3 - 5 have been rejected under 35 U.S.C. §103 as being unpatentable over Bolavage et al. in view of Heiman et al. and Welles, II, et al.; claim 11 has been rejected under 35 U.S.C. §103 as being unpatentable over Bolavage et al. in view of Heiman et al. and Raliegh et al.; and claim 12 has been rejected under 35 U.S.C. §103 as being unpatentable over Bolavage et al. in view of Heiman et al. and Gamlyn et al. All of these grounds of rejection are respectfully traversed for the reasons of record, which are hereby fully incorporated by reference, and the further remarks provided below since the action is ambiguous in regard to the Examiner's position in regard to Bolavage et al. and, in any event, the Examiner has not properly addressed even the basic concept of the present invention.

As previously pointed out, the invention is principally directed to a system which is similar in basic asset tracking function to an RFID system (while, as a perfecting feature, providing some additional reporting functions from the transponders) but performs asset tracking through the existing infrastructure of a standard computer network including wireless links and potentially having a large plurality of access points and distributed over a wide and readily extensible area. Therefore, the invention avoids any need for a custom or dedicated RFID system or hardware beyond the transponder tags themselves and potentially wide geographic coverage (the cost of which is presumably otherwise well-justified by normal network functions and, in any event, is "open", interoperable with other networks and readily extensible) while leveraging the network infrastructure to provide additional functions from the network of not only inventory and tracking of assets but condition and status reports for individual assets and service of client queries for any of a wide range of purposes such as comparative availability of emergency equipment.

Bolavage et al. seeks to provide much the same ultimate function of the invention but is principally concerned with the basic incompatibilities between different RFID systems and between RFID systems and wireless networks and the "closed" nature of known RFID systems. Therefore, Bolavage et al. provides a "smart interrogator" 22 for communicating with different *existing types* of transponders or tags 30, 32, 34. The smart interrogator then communicates with the network through an "agent" at gateway 16 and thus forms a dedicated hardware interface between existing tags of possibly different RFID systems and a network "gateway". Therefore, contrary to the Examiner's assertions in finding the previously submitted remarks to be non-persuasive, Bolavage et al. does not, in

fact, answer the recitations of the claims of "...transmitting a signal that can be received by an access point of said standard wireless network ... and interpreted by an access point ... as identification information" (claim 1) or "a transponder detectable by said wireless access points of said computer network" (claim 6). In this regard, it is respectfully submitted that "access point" is a recognized term of art in regard to wireless computer networks (having a meaning quite different from the broad definition of access point asserted by the Examiner on page 4, lines 4 - 8, of the present action) and, even if not, it is respectfully submitted that the Examiner may not properly ignore or fail to accord patentable weight to such explicit recitations as the Examiner has done; particularly in seeking to justify such action by asserting that the claims are being given their "broadest reasonable interpretation". Ignoring explicit claim recitations is not "interpretation" at all, much less "reasonable". On the contrary, each of the many functions enumerated by the Examiner for the smart interrogator 22 (in the paragraph bridging pages 3 and 4 of the present action) serves to *further differentiate* the smart interrogator from an "access point" of the network, as recited in the claims, particularly since such functions are necessary interfacing functions of dedicated additional hardware avoided by the invention.

However, after improperly indicating that the previously submitted arguments were not considered to be persuasive, as indicated above, the Examiner then, in the statements of the rejections, admits that Bolavage et al. does not, in fact, answer the recitations of the claims in regard to the communication of the transponder with a standard access point and relies upon Heiman et al. for such a teaching. However, it is respectfully submitted that

Heiman et al. teaches communication to and from an access point to a bar-code scanner 22, a paging unit 24, a message unit 26, a computer terminal 14, a point-of-sale (POS) terminal 16 and/or a voice unit 28, which are detailed beginning at column 4, of Heiman et al.; *none of which are well-described as a "transponder"* (defined in the Oxford Illustrated American Dictionary, for example, as "a device for receiving a radio signal and *automatically* transmitting a different radio signal" (emphasis added)) but are each *user-responsive* terminals or data input devices. Therefore, Heiman et al. does not contain the teachings or suggestions which the Examiner attributes to it and does not supplement Bolavage et al. at the point the Examiner admits Bolavage et al. to be deficient to answer the explicit recitations of the claims. In this regard, the passages of Heiman et al. cited by the Examiner, while mentioning the transmission of stored messages (e.g. time card transactions, emergency messages, etc.) do not teach or suggest performing transmission of such stored messages in response to a radio interrogation signal from a central station (which would be particularly inappropriate for an emergency message). No reference to interrogation signals is seen in column 2, lines 31 - 53, or column 5, lines 26 - 50, or Figures 1 or 4. Therefore, it is respectfully submitted that no *prima facie* demonstration of obviousness has been or can be made based on the combined teachings and/or suggestions of Bolavage et al. and Heiman et al. and, moreover, it appears that Heiman et al. has been interpreted or construed through hindsight derived solely from the present application.

This deficiency of Bolavage et al. and Heiman et al. to answer the claimed subject matter is not mitigated by the teachings or suggestions found in Welles, II, et al. (hereinafter "Welles"), Raliegh et al. or Gaynes et al., as discussed in the previous

response and the Examiner has not asserted that such teachings or suggestions are contained in any of these references. Welles is cited by the Examiner only for teaching condition sensing and the Examiner has not asserted or suggested that it teaches anything of relevance to the basic concept of the invention in arranging for transponders to communicate directly with an access point of a standard wireless network and to not only utilize but leverage the open architecture and existing and readily extensible infrastructure of the network to provide unexpected functions while avoiding interference between the network and RFID systems. As previously pointed out in regard to Raliegh et al and Gaynes et al., these references are of marginal relevance, if any, and do not contain the teachings or suggestions the Examiner attributes to them and for which they are relied upon. Accordingly, it is clear that the Examiner has not made and cannot make a *prima facie* demonstration of obviousness based on the combined teachings of Bolavage et al., Heiman et al. and Welles, Raliegh et al. or Gaynes et al.

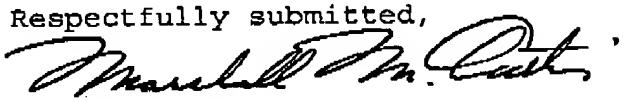
Accordingly, it is seen that the stated grounds of rejection in the present official action are in error and untenable. Moreover, it is respectfully submitted that the finality of the present action is premature since no action can be made final when a demonstration of the propriety of the rejections contained therein has not been made. Therefore, reconsideration and withdrawal of the rejections of record is respectfully requested.

Since all rejections, objections and requirements contained in the outstanding official action have been fully answered and shown to be in error and/or inapplicable to the present claims, it is respectfully submitted that reconsideration is now in order under the provisions of 37 C.F.R. §1.111(b) and such reconsideration is respectfully requested. Upon

reconsideration, it is also respectfully submitted that this application is in condition for allowance and such action is therefore respectfully requested.

If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041 (Whitham, Curtis & Christofferson).

Respectfully submitted,



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